

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

LARRY WESTBROOK

PETITIONER

v.

No. 1:07CV214-M-D

LAWRENCE KELLY, ET AL.

RESPONDENTS

**FINAL JUDGMENT
ADOPTING REPORT AND RECOMMENDATION**

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated April 7, 2008, was on that date duly served by mail upon the *pro se* petitioner at his last known address; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated April 7, 2008, is hereby **APPROVED AND ADOPTED** as the opinion of the court.
2. That the state's motion [7] to dismiss the instant petition is hereby **GRANTED**.
2. That the instant petition for a writ of *habeas corpus* is hereby **DISMISSED** with prejudice and without evidentiary hearing as untimely filed under 28 U.S.C. § 2244(d).
3. That this case is **CLOSED**

THIS, the 30th day of June, 2008.

/s/ MICHAEL P. MILLS

CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI